

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PETER C. RIZZO,

Plaintiff,

v.

Index No.: 1:23-cv-00406

CLOVER GROUP, INC., CLOVER MANAGEMENT,
INC., CLOVER CONSTRUCTION MANAGEMENT,
INC., CLOVER CONSTRUCTION MANAGEMENT
WEST CORP., THE CARLYLE GROUP,
CARLYLE CLOVER PARTNERS, L.P.,
CARLYLE CLOVER PARTNERS 2, L.P.,
WELLTOWER, INC., WELL IBIS PORTFOLIO
MEMBER, LLC, WELLCLOVER VENUTRES, LLC,
WELLCLOVER HOLDINGS, LLC, CLOVER
COMMUNITIES FUND I, L.P., CLOVER
COMMUNITIES FUND II, L.P., CLOVER
COMMUNITIES FUND III, L.P., CLOVER
COMMUNITIES FUND IV, L.P., CLOVER
COMMUNITIES FUND V, L.P., CLOVER
COMMUNITIES FUND V, LLC, MICHAEL L.
JOSEPH, ALLISON H. JOSEPH PENDLETON,
RICHARD A. GREENSPAN,
ROBERT D. JACK, and EMILY BRADY,

Defendants.

**DECLARATION OF ALEXANDRIA N. ROWEN, ESQ. IN SUPPORT OF
DEFENDANT’S MOTION TO FILE DOCUMENTS UNDER SEAL**

I, ALEXANDRIA ROWEN, under penalty of perjury and pursuant to 28 U.S.C.

§ 1746, declare the following to be true and correct.

1. I am an associate with the firm Hodgson Russ LLP, attorneys for Clover Communities Fund IV, L.P. and Clover Communities Fund V, L.P. (collectively “Defendants”), among other defendants, in this matter. I am thoroughly familiar with the procedural history and

the factual allegations in this matter. I make this declaration in further support of Defendants' Motion to File under Seal the Defendants' FRCP 7.1 & WDNy General Order # 157 Disclosure Statements, dated September 6, 2023 (the "GO 157 Statements").

2. Attached as **Exhibit A** is a copy of the email I sent to all counsel of record on September 6, 2023, attaching the instant motion.

3. Attached as **Exhibit B** is a transcript of a voicemail message that Nathan McMurray left for me on September 13, 2023 at 12:37 PM EDT.

4. Attached as **Exhibit C** is a copy of an email from Nathan McMurray to me, dated September 13, 2023.

5. Attached as **Exhibit D** is a copy of an email confirming that Nathan McMurray did not attempt to open the motion materials until September 13, 2023.

6. Attached as **Exhibit E** is an email which I sent to all counsel of record with instructions to download the motion materials on September 7, 2023.

Dated: September 14, 2023

s/Alexandria N. Rowen
Alexandria N. Rowen